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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,249	10/31/2003	Gregory R. Black	CS23316RL	2409
20280	7590	08/23/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			TRAN, PABLO N	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/698,249

Applicant(s)

BLACK ET AL.

Examiner

Pablo N. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 3-4, 8, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3-4, the claimed subject matter, "the wireless portable communication device wherein at least one of", renders the claims indefinite. Does the claimed limitation, "wherein at least one of", means to further defined the claimed limitation of "an opened position". Appropriate correction is required.

Regarding claim 4, the claimed subject matter, "a closed position", renders the claims indefinite. If the wireless portable communication device is in a closing position, then the first housing should be folded relative to the second housing. Appropriate correction is required.

Regarding claim 8, the claimed subject matter, "closing", renders the claims indefinite. If the wireless portable communication device is in a closing position, then the first housing should be folded relative to the second housing. Appropriate correction is required.

Regarding claim 16, the claimed subject matter, "the closed position", renders the claims indefinite. If the wireless portable communication device is in a closing position,

then the first housing should be folded relative to the second housing. Appropriate correction is required.

2. Claim 15 recites the limitation "the opened position". There is insufficient antecedent basis for this limitation in the claim.

3. Claim 16 recites the limitation "the closed position". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-10, 12-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (6,862,432).

As per claims 1, 7, and 13, Kim et al. disclose a wireless portable communication device (fig. 5) configured to provide appropriate impedance for a desired antenna performance based upon a configuration of the wireless portable communication device, wherein the device having a radiating element (fig. 5/no. 76); electrical circuits for wireless communication coupled to the radiating element, the electrical circuits including an electrical reference; a selectable ground return impedance block coupled

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to the electrical reference, the selectable ground impedance block configured to provide a plurality of impedance values; a chassis coupled to the selectable ground return impedance block; and a configuration detector coupled to the selectable ground return impedance block, the configuration detector configured to detect a configuration of the wireless portable communication device and to produce a control signal indicative of the detected configuration which selects one of the plurality of impedance values (fig. 10, fig. 11, col. 1/ln. 61-col. 3/ln. 2).

As per claims 2, 8, and 14, Kim et al. disclose a position of a first housing of the wireless portable communication relative to a second housing of the wireless portable communication device, the second housing movably coupled to the first housing (fig. 10, fig. 11).

As per claims 3, 9, and 15, Kim et al. disclose an opened position including the first housing unfolds relative to the second housing (fig. 10, fig. 11).

As per claims 4, 10, and 16, Kim et al. disclose a closed position includes the first housing unfolds relative to the second housing (fig. 10, fig. 11).

As per claims 6, 12, and 18, Kim et al. disclose a variable impedance device capable of varying impedance, and the control signal is effective in adjusting the variable impedance device to provide an appropriate impedance corresponding to the detected configuration (fig. 10, fig. 11, col. 1/ln. 61-col. 3/ln. 2).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (6,862,432).

As per claims 5, 11, and 17, as stated above in claim 1, Kim does not specifically suggest the impedance block comprises a plurality of selectable coupling impedance. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, such configuration can be implement to the communication device of Kim in order to maintain an optimal antenna impedance matching state.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 10, 2006

**PABLO N. TRAN**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to be 'P. Tran', with a large loop at the start and a long horizontal stroke extending to the right.

*AVR/6/06*